

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REXON INDUSTRIAL CORPORATION, LTD.,)

Plaintiff,)

v.)

PORTER-CABLE CORPORATION,)

DELTA INTERNATIONAL MACHINERY)

CORP., BLACK & DECKER, INC., and)

BLACK & DECKER (U.S.), INC.,)

Defendants.)

BLACK & DECKER INC., BLACK & DECKER)

(U.S.) INC., PORTER-CABLE CORPORATION,)

and DELTA INTERNATIONAL MACHINERY)

CORP.)

Plaintiffs-in-Counterclaim,)

v.)

REXON INDUSTRIAL CORPORATION, LTD.)

Defendant-in-Counterclaim.)

BLACK & DECKER INC., BLACK & DECKER)

(U.S.) INC., PORTER-CABLE CORPORATION,)

and DELTA INTERNATIONAL MACHINERY)

CORP.)

Third-Party Plaintiffs,)

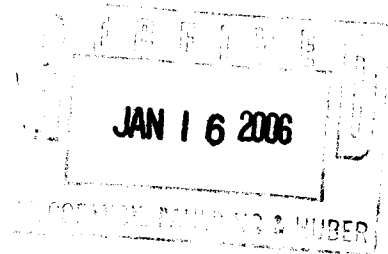
v.)

REXON USA CORPORATION,)

Third-Party Defendant.)

Civil Action No. 04-CV-30180-MAP

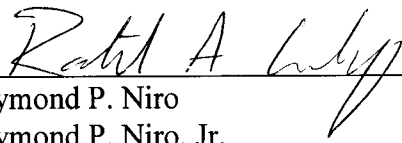
NOTICE OF ISSUANCE
OF SUBPOENA TO
J. KEVIN GROGAN



NOTICE OF ISSUANCE OF SUBPOENA TO J. KEVIN GROGAN

PLEASE TAKE NOTICE THAT, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Black & Decker, Inc., Black & Decker (U.S.), Inc., Porter-Cable Corporation, and Delta International Machinery Corporation have issued the attached subpoena to J. Kevin Grogan.

Respectfully submitted,



Raymond P. Niro

Raymond P. Niro, Jr.

Christopher J. Lee

Richard B. Megley, Jr.

Dina M. Hayes

Robert A. Conley

NIRO, SCAVONE, HALLER & NIRO

181 West Madison, Suite 4600

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Email: rniro@nshn.com; rnirojr@nshn.com;

lee@nshn.com; megleyjr@nshn.com; hayes@nshn.com

C. Jeffrey Kinder (BBO# 563890)

FIERST, PUCCI & KINDER LLP

64 Gothic Street, Suite 4

Northampton, Massachusetts 01060

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Facsimile: (413) 585-0787

Email: kinder@fierstpucci.com

**Attorneys for Black & Decker Inc., Black & Decker
(U.S.) Inc., Porter-Cable Corporation and Delta
International Machinery Corporation**

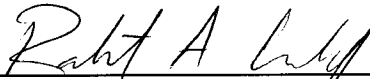
CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2006, a true and correct copy of the foregoing **NOTICE OF ISSUANCE OF SUBPOENA TO J. KEVIN GROGAN** was served by First Class Mail upon the following attorneys of record.

J. Kevin Grogan (BBO # 635089)
Email: grogan@ip-lawyers.com
Arthur F. Dionne (BBO # 125760)
Email: dionne@ip-lawyers.com
Donald J. MacDonald (BBO # 644582)
Kevin H. Vanderleeden (BBO # 648361)
MCCORMICK, PAULDING & HUBER LLP
1350 Main Street, 5th Floor
Springfield, Massachusetts 01103
Phone: (413) 736-5401
Facsimile: (413) 733-4543

Wm. Tucker Griffith
Email: tucker@ip-lawyers.com
MCCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, Connecticut 06103-5290
Phone: (860) 549-5290
Facsimile: (860) 527-0464

Attorneys for Rexon Industrial Corporation, Ltd.



Attorney for Black & Decker Inc., Black & Decker
(U.S.) Inc., Porter-Cable Corporation and Delta
International Machinery Corporation

Issued by the
**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF CONNECTICUT**

Rexon Industrial Corporation, Ltd.

SUBPOENA IN A CIVIL CASE

v.

1/
 CASE NUMBER: 04-CV-30180-MAP
 (United States District Court For The District Of Massachusetts)

Black & Decker, Inc., Black & Decker (U.S.) Inc.,
 Porter-Cable Corp. and Delta International Machinery Corp.

TO: J. Kevin Grogan
 McCormick Paulding & Huber LLP
 CityPlace II, 185 Asylum Street
 Hartford, Connecticut 06103-5290

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION McCormick Paulding & Huber LLP CityPlace II, 185 Asylum Street Hartford, Connecticut 06103-5290	DATE AND TIME March 3, 2006 at 9:00 a.m.
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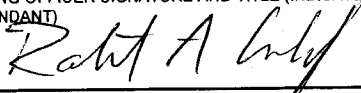
☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE*	DATE AND TIME
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☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  (Attorney for Defendant)	DATE January 9, 2005
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Robert A. Conley NIRO, SCAVONE, HALLER & NIRO 181 W. Madison Street, Suite 4600 Chicago, Illinois 60602 (312) 236-0733	

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

1/ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE	
DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.	
Executed on _____ DATE	SIGNATURE OF SERVER _____
	ADDRESS OF SERVER _____ _____ _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Rexon Industrial Corporation, Ltd.

SUBPOENA IN A CIVIL CASE

v.

1/

CASE NUMBER: 04-CV-30180-MAP

(United States District Court For The District Of Massachusetts)

Black & Decker, Inc., Black & Decker (U.S.) Inc.,
Porter-Cable Corp. and Delta International Machinery Corp.

TO: J. Kevin Grogan
McCormick Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, Connecticut 06103-5290

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PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

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PLACE OF DEPOSITION

McCormick Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, Connecticut 06103-5290

DATE AND TIME

March 3, 2006 at 9:00 a.m.

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE*

DATE AND TIME

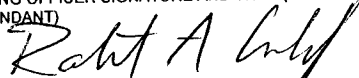
☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)



(Attorney for Defendant)

DATE

January 9, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Robert A. Conley
NIRO, SCAVONE, HALLER & NIRO
181 W. Madison Street, Suite 4600
Chicago, Illinois 60602
(312) 236-0733

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

1/ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE		PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

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(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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